

REMARKS

This Response is submitted in reply to the Final Office Action dated October 8, 2010. Claims 3-6 are pending in the present application. Claims 3 and 5 are in independent form and are hereby amended. No new matter has been added by these amendments. For example, see ¶¶ 37-38. A Request for Continued Examination is submitted with this Response. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing. If such a withdrawal is made, please indicate the Attorney Docket No. 3717483-00083 on the account statement. Applicants respectfully disagree and traverse the rejections, as set forth in detail below.

The Office Action objected to the drawings under 37 CFR 1.83(a) for not showing a "counter." Applicants respectfully disagree. FIG. 1 includes a box 7. Per ¶¶ 37-38, box 7 is a control circuit that is capable of performing the counting function. However, in the interest of advancing prosecution, the "counter" has been removed from all of the claims and replaced with a "control circuit." Control circuit 7 is shown in Fig. 1 and discussed throughout the specification (e.g., see ¶¶ 37-38). Accordingly, Applicant respectfully requests that the objection under 37 CFR 1.83(a) be withdrawn.

The Office Action objected claim 3 due to a missing comma. Claim 34 is hereby amended to include the suggested comma. Accordingly, Applicant respectfully requests that this objection be withdrawn.

The Office Action rejected claims 3 - 6 under 35 USC §112 ¶1 as failing to comply with the written description requirement with respect to the "counter" claim language. In the interest of advancing prosecution, the "counter" has been removed from all of the claims and replaced with a "control circuit." Control circuit 7 is shown in

Fig. 1 and discussed throughout the specification (e.g., see ¶¶ 37-38). Accordingly, Applicant respectfully requests that the rejection of Claims 3-6 under 35 U.S.C. § 112 ¶1 be withdrawn.

The Office Action rejected claims 3 - 6 under 35 USC §112 ¶2 as indefiante with respect to the “counter” claim language. In the interest of advancing prosecution, the “counter” has been removed from all of the claims and replaced with a “control circuit.” Control circuit 7 is shown in Fig. 1 and discussed throughout the specification (e.g., see ¶¶ 37-38). Accordingly, Applicant respectfully requests that the rejection of Claims 3-6 under 35 U.S.C. § 112 ¶2 be withdrawn.

The Office Action rejected independent claims 3 and 5 under 35 U.S.C. §102(b) as being anticipated by Nakajima (U.S. Publication No. 2002/0122217), hereinafter *Nakajima*.

Independent claim 3 recites, *inter alia*, “at least one light sensor arranged at an edge region of the projection light bundle, the at least one light sensor using a modulated brightness level obtained from the at least one light sensor and a control circuit to detect (i) a position of the oscillating mirror and (ii) a specific characteristic by a counter content of the modulated brightness level.” Similarly, claim 5 recites, *inter alia*, “detecting an oscillation status of an oscillating mirror, a position of the oscillating mirror, and a specific characteristic by a counter content of the modulated brightness level using the modulated brightness level obtained from the light sensor and using a control circuit.”

For example, the claimed system may require the detection of a specific regular signal or pattern (as opposed to a random signal). *Nakajima* fails to teach this feature. In fact, the cited portion of *Nakajima* (¶0145) makes no reference to counter content.

For at least these reasons, independent claims 3 and 5 are patently distinguished over *Nakajima* and are in condition for allowance. Claims 4 and 6 depend directly from claims 3 and 5 respectively and are allowable for at least the same reasons.

Accordingly, all pending claims are in condition for allowance, and the rejection should be withdrawn. An earnest endeavor has been made to place this application in condition for formal allowance, and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,
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